

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

MR. RICKY HENRY SANTIAGO HP-2455

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

PLEASE SEE ATTACHED

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

21-CV-5415

(to be filled in by the Clerk's Office)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$52) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
AMENDED SHEET FOR COVER SHEET IN CIVIL ACTION  
21-CV-5415  
MR.RICKY HENRY SANTIAGO vs. CITY OF ALLENTOWN et.al.

PLAINTIFF: MR.RICKY HENRY SANTIAGO HP-2455

DEFENDANT(s),  
CITY OF ALLENTOWN POLICE DEPARTMENT  
OFFICER THEODORE KISKERAVAGE  
OFFICER JOSEPH BEINER  
OFFICER JASON ADUDELLE  
OFFICER WALZ (First ~~NAME~~ UNKNOWN TO PLAINTIFF)  
Officer John Doe 1 (Seen & heard on Body Cam)  
Officer John Doe 2 (Seen & Heard on Body Cam )

ALLTHESE DEFENDANTS ARE KNOWN TO BE OFFICERS OF THE ALLENTOWN POLICE DEPARTMENT AND ARE  
TO BE NAMED ON THIS CIVILACTION DOCKET NUMBER 21-CV-5415, PLEASE FORWARD ME A TRUE AND ~~XXXX~~  
CORRECT COPY OF THE FILING WITH THESE NAMES THANK YOU.

### A. The Plaintiff(s)

Name	MR.RICKY HENRY SANTIAGO		
All other names by which you have been known:	HP-2455		
ID Number	SCI Frackville		
Current Institution	1111 Altamont Blvd		
Address	Frackville, PA. 17931		
	City	State	Zip Code

Defendant No. 1

Name \_\_\_\_\_

Job or Title (*if known*) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer CITY OF ALLENTOWN PENNSYLVANIA \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ City State Zip Code

☐ Individual capacity ☒ Official capacity

Page 2 of 11



## Defendant No. 3

Name

OFFICER JOSEPH BEINER

Job or Title (if known)

police Officer for the City of Allentown PA.

Shield Number

Employer

City of Allentown PA.

Address

Allentown

PA.

City

State

Zip Code



Individual capacity



Official capacity

## Defendant No. 4

Name

OFFICER JASON ADUDEL:L

Job or Title (if known)

Officer for the City of Allentown PA.

Shield Number

Employer

City of Allentown Pa.

Address

Allentown PA

City

State

Zip Code



Individual capacity



Official capacity

(Note) Also John Doe 1, John Doe 2  
(Seen & Heard on Body Cam)  
Please see Defendant Sheet.

**II. Basis for Jurisdiction**

(Please refer back to initial Defendant sheet  
for fourth Defendant Officer Walz)

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Plaintiff Ricky Henry Santiago brings this Civil Action for deprivation of Rights guaranteed by the First, Fourth, Fifth, Sixth, Eighth, & Fourteenth Amendments of the United States Constitution.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All Defendants mentioned above were employees of the Allentown City Police Department and all were on the job the day of the violations, at all times relecvant to to this Action.

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### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (*explain*) These actions taken place prior to the conviction I'm currently serving.

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Please see attached Statement of Facts.

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- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
-

C. What date and approximate time did the events giving rise to your claim(s) occur?

To the best of my knowledge and belief these actions took place on December 13th, 2019 on the corner of 7th, & Chew St. in the City of Allentown PA. I would say between the hours of 12 midnioght and 2am.

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D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

I was abused by the above named Officers, I was placed into a choke hold that didnt allow me to breath and was injured by these actors, My arm & wrist were twisted to the point that it has caused me bodily injury to the point of damage to my nerves system to my limbs at the hands of the Officers named above,

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## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I was taken to St.Lukes Hospital immediately and was treated for head & facial abrasi abrasions and was given a CAT scan and found to have nerve damage and concussion.I was also notified that I would have herve damage tomy arm and wrist from the hold I was placed in. I was transferred to Lehigh County Prison where I continued to receive medical treatment for such injmuies. As of the filing of this Civil Complaint Plaintiff styill suffers nerve damage to Plaintiff's arm and wrist.

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## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff seeks Declatory judgment that the acts complained are illegal & unconstitutional.Puntive damages from each Defendant,jointly and severely for the ommissions by t the Defendants in concert that their acts were knowingly, willfully, and jointly intentionally done, plaintiff seeks Compensatory damages in the amount of \$75,000.00 jointly and severely for the Defendanats failure to prevent the Unconstitutional acts caused by the Defendants and as said injuries are perpetual.

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**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

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- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No NA

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No NA

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes NA

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes NA

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

NA

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2. What did you claim in your grievance?

NA

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3. What was the result, if any?

NA

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

NA

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I have not filed a correctional grievance due to the fact that this incident has taken place prior to my incarceration

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I have informed the Lehigh County Hospital of my injuries but due to the fact that I was under the influence of opioids I am not aware if the Hospital has taken it upon itself to file a formal complaint. I also mentioned it to the Prison Medical Staff.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I filed this Civil Action in a timely manner

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) NA

Defendant(s) NA

2. Court *(if federal court, name the district; if state court, name the county and State)*

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes NA

☒ No

If no, give the approximate date of disposition.

NA

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

NA

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NA

E.D.Pa. AO Pro Se 14 ( Rev. 01/21) Complaint for Violation of Civil Rights

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

NA

Plaintiff(s)

Defendant(s)

NA

2. Court *(if federal court, name the district; if state court, name the county and State)*

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes☒ No

If no, give the approximate date of disposition

NA

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

NA



**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-26-22

Signature of Plaintiff

Printed Name of Plaintiff

Mr. Ricky Henry Santiago HP-2455

Prison Identification #

HP-2455

Prison Address

1111 Altamont Blvd.

Frackville, Pennsylvania 17931

City

State

Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

STATEMENT OF FACTS FOR CIVIL ACTION IN  
THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA  
MR. RICKY HENRY SANTIAGO vs CITY OF ALLENTOWN et. al.  
DATE 2-25-22

On December 13th 2019 I was approached by to officers Allentown Police Department ( Officer Theodore Kiskeravage & Officer Joseph Beiner) who were responding to a call of a man down on the street. Plaintiff was approached by Ofc. Kiskeravage and Ofc. Beiner who say Plaintiff was sleeping while standing up. Ofc. Beiner & Kiskeravage proceeded to ask Plaintiff various questions i.e., my name, date of birth, basically Plaintiff's personal Identification . Ofc. Kiskeravage & Beiner then decided that they had enough proof to arrest Plaintiff for public intoxication. Ofc Kiskeravage & Beiner attempted to handcuff Plaintiff and I tried to run away. Plaintiff took about 2 or 3 steps and one of the officers grabbed Plaintiff by the collar of Plaintiff's jacket and was thrown to the ground instantly after being thrown to the ground both officers proceeded to subdue Plaintiff.

After being subdued and without any further resistance from the Plaintiff, Ofc. Kiskeravage continued to hold Plaintiff in a rear naked choke hold and then ofc. Beiner placed Plaintiff's wrist in an over extended hold and keeping that hold untill Plaintiff's wrist was forced further then the normal movement which caused Plaintiff to suffer severe nerve damage to which the plaintiff still suffers from today. Officers Kiskeravage & Beiner also continued to thrash and assault Plaintiff and scrape Plaintiff's head on the concrete causing abrasions on Plaintiff's face and head along with causing contusions on Plaintiff's head, all the while receiving no resistance from the plaintiff.

All this can be verified by the footage of the officers body cam, street video footage thus verifying excessive force and police brutality. Plaintiff would also like to point out that both officers wrote out (2) two different police reports contradicting the incident at question. thus not being truthful and honest in their official reports.

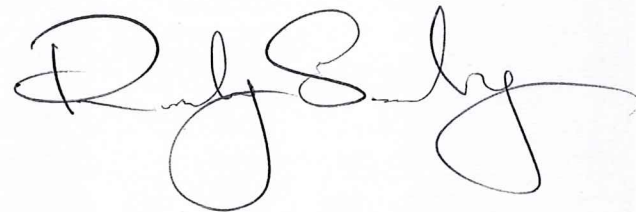
Now officer Jason Aduddell and Officer Walz showed up to assist ofc. Kiskeravage and Ofc. Beiner upon their arrival Plaintiff was still being held in the choke hold and was still having Plaintiff's wrist over extended by Ofc. Kiskeravage and Ofc Beiner. You can first hear my screams of "I can't Breath" due to the choke hold. Then you will hear multiple shouts from the plaintiff telling Ofc Beiner that he was breaking Plaintiff's wrist. officers Aduddell and Walz heard these pleas of the plaintiff and chose to allow the assault to continue. Ofc. Aduddel and

Ofc. Walz joined in to help Ofc. Kiskeravage and Beiner move Plaintiff around. Plaintiff was then transported to St. Lukes Hospital by Sgt. Richard Good for injuries sustained during arrest. Ofc. Good stayed with Plaintiff while Plaintiff was given a CAT scan and treated for abrasions and contusion along with injuries to Plaintiff's wrist. The plaintiff upon receiving discovery for this incident plaintiff was able to view all the body cam and street cam footage of the arrest. Upon viewing all body cam footage of all the officers who were wearing a body cam and showed up on the scene. Plaintiff along with counsel found an officers body cam footage of two officers walking back to their cruiser talking about a call that went out on their dispatch about shots fired (at a different location) as they were on their way to the plaintiffs location and also admitting that the plaintiff was assaulted one of the officers said to the others while walking back to their car you will hear "I hope no one was hurt on that call of shots fired while we're over here beating up heroin addicts".

You can hear them laughing unfortunately in the body cam videos. All the statements made herein are true and correct and complete to the best of my knowledge and belief.

RICKY H. SANTIAGO

# HP-2455

A handwritten signature in black ink, appearing to read 'Ricky H. Santiago', with a large, stylized loop at the end.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mr. RICKY H. SANTIAGO,  
Plaintiff,

vs.

Allentown Police Department, et.al.  
Defendant(s),

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Docket No.: 21-CV-05415

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I, hereby certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently from non-confidential information and documents.

Respectfully Submitted,



Date: 2-26-2055

Mr. Ricky H. Santiago HP-2455,  
Aggrieved Party Pro Se,

IN THE COMMONWEALTH COURT OF  
PENNSYLVANIA

Mr. Ricky Santiago,  
Plaintiff,

vs.

Civil Action No.:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
Allentown Police Department, et.al.  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

PROOF OF SERVICE

The Undersigned hereby certifies, under PA.R.A.P. 121, that he is this date serving  
the foregoing documents upon the person(s) and in the manner indicated below:

CERTIFIED MAIL TO:

Office of the Clerk of Court  
The Eastern District Of Pennsylvania  
Attn: Mr. James A. Byrne  
601 Market St. Rm. 2609  
Philadelphia, Pa. 19106

Respectfully Submitted.



Mr. Ricky Santiago, HP-2455  
Pro Se Litigant

Date: 2-26-2022

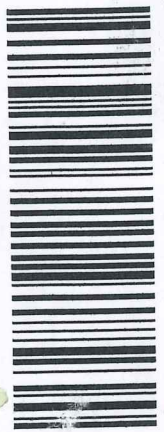
Mr. Ricky Henry Santiago HP-2455  
c/o 1111 Altamont Blvd.  
Frackville, Pa. 17931

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